



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

BLUE RIDGE REGIONAL OFFICE

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Travis A. Voyles
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
(804) 698-4020

Robert J. Weld
Regional Director

August 8, 2023

Mr. Daniel Miles, P.E.
Chief Executive Officer
Roanoke Valley Resource Authority (RVRA)
Smith Gap Regional Landfill
1020 Hollins Road
Roanoke, VA 24012-8011
dmiles@rvra.net

Location: Roanoke County
Registration No.: 21330

Dear Mr. Miles:

Attached is a renewal Title V permit to operate your facility pursuant to 9VAC5 Chapter 80 Article 1 of the Virginia Regulations for the Control and Abatement of Air Pollution. The attached permit will be in effect beginning August 8, 2023.

In the course of evaluating the application and arriving at a final decision to issue this permit, the Department of Environmental Quality (DEQ) deemed the application complete on May 5, 2023 and solicited written public comments by placing a newspaper advertisement in *The Roanoke Times* on July 6, 2023. The thirty-day required comment period, provided for in 9VAC5-80-270 expired on August 7, 2023.

This permit contains legally enforceable conditions. Failure to comply may result in a Notice of Violation and/or civil charges. Please read all permit conditions carefully.

This permit approval to operate shall not relieve RVRA-Smith Gap Regional Landfill of the responsibility to comply with all other local, state, and federal permit regulations.

The Board's Regulations as contained in Title 9 of the Virginia Administrative Code 5-170-200 provide that you may request a formal hearing from this case decision by filing a petition with the

DEQ within 30 days after this case decision notice was mailed or delivered to you. Please consult the relevant regulations for additional requirements for such requests.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal of this decision by filing a Notice of Appeal with:

Director
Department of Environmental Quality
P. O. Box 1105
Richmond, VA 23218

If this permit was delivered to you by mail, three days are added to the thirty-day period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for information on the required content of the Notice of Appeal and for additional requirements governing appeals from decisions of administrative agencies.

If you have any questions concerning this permit, please contact the regional office at 540-562-6700.

Sincerely,



for Robert J. Weld
Regional Director

Attachments: Permit

cc: Anita Walthall, DEQ BRRO Air Permit Writer, (electronic)
Nicole Wright, DEQ BRRO Air Compliance (electronic)
Margaret Wagner, DEQ BRRO Air Compliance Manager (electronic)
Jeremy Garrett, RVRA, Operations Manager (jgarrett@rvra.net)
Matthew Lamb, Smith Gardner Inc. (matt@smithgardnerinc.com)
Matthew Porter, DEQ BRRO Air Compliance Inspector (electronic)
Yongtian (Tom) He, EPA Region III (he.yongtian@epa.gov)
Maya Whitaker, DEQ Office of Air Permit Programs (maya.whitaker@deq.virginia.gov)



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**Federal Operating Permit
Article 1**

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1, of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9VAC5-80-50 through 9VAC5-80-300, of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name: Roanoke Valley Resource Authority
Facility Name: Smith Gap Regional Landfill
Facility Location: 8484 Bradshaw Road
Salem, Virginia (Roanoke County)
Registration Number: 21330
Permit Number: BRRO-21330

This permit includes the following programs: Federally Enforceable Requirements - Clean Air Act

August 8, 2023
Effective Date

August 7, 2028
Expiration Date


for Robert J. Weld, Regional Director

August 8, 2023
Signature Date

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Facility Information

Permittee

Roanoke Valley Resource Authority
1020 Hollins Road
Roanoke, VA 24012-8011

Responsible Official

Jeremy Garrett, MBA
Director of Operations, Technical Services

Facility

Smith Gap Regional Landfill
8484 Bradshaw Road
Salem, VA (Roanoke County)

Contact Person

Jeremy Garrett
540-283-6553

County-Plant Identification Number: 51-161-00246

Facility Description: NAICS 562212 – Smith Gap Regional Landfill (SG) is a municipal solid waste (MSW) landfill with a design capacity greater than 2.5 million megagrams (Mg) and 2.5 million cubic meters (m³), and NMOC emissions greater than 50 Mg/yr.

Effective July 23, 2020, SG is subject to Virginia's MSW landfill requirements, 9VAC5 Chapter 40, Article 43.1 (Rule 4-43.1). However, these requirements are streamlined by MACT 4A (40 CFR 63 Subpart AAAAA).

Emission Units

Process Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description*	PCD ID	Pollutant Controlled	Applicable Permit Date
EU-1	S-1	1993 MSW Landfill w/ gas collection and control system (GCCS)	>2.5 x 10 ⁶ Mg and >2.5 x 10 ⁶ m ³	Enclosed flare (ABUTEC 20.0) 68.25 MMBtu/hr (2,000 scfm)	CD-1	NMOC (20 ppmv at the outlet)	August 22, 2016

*The Size/Rated capacity and PCD efficiency is provided for informational purposes only and is not an applicable requirement.

Landfill Operation Requirements – (EU-1)

Limitations

1. **Landfill Operation Requirements (EU-1)** - Emissions from the operation of the enclosed flare (CD-1) shall not exceed the limits specified below:

PM ₁₀	0.017 lb/MMBtu	5.0 ton/yr
Sulfur Dioxide (SO ₂)	0.9 lb/hr	4.0 ton/yr
Nitrogen Oxides (as NO ₂)	0.041 lb/MMBtu	12.0 ton/yr
Carbon Monoxide	0.010 lb/MMBtu	2.9 ton/yr

(9VAC5-80-110 and Condition 2 of 8/22/2016 Permit Document)

2. **Landfill Operation Requirements (EU-1)** - The enclosed flare (CD-1) shall be operated with no visible emissions, as determined by EPA Method 22 (reference 40 CFR 60, Appendix A), except for periods not to exceed a total of five minutes during two consecutive hours. This condition applies at all times except during startup, shutdown and malfunction.
(9VAC5-80-110 and Condition 3 of the 8/22/2016 Permit Document)

Monitoring

3. **Landfill Operation Requirements (EU-1)** - The enclosed flare (CD-1) shall be equipped with a device to continuously measure and record the operating temperature and the landfill gas flow rate. Each monitoring device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the enclosed flare is operating.
(9VAC5-80-110 and Condition 1 of 8/22/2016 Permit Document)

Recordkeeping

4. **Landfill Operation Requirements - (EU-1)** - The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Blue Ridge Regional Office. These records shall include, but are not limited to:
 - a. Current amount of waste in place and monthly waste acceptance rates.
 - b. Records sufficient to calculate the facility's emissions on a 12-month rolling basis.

- c. Description, location, amount, and placement date of all nondegradable refuse including asbestos and demolition refuse placed in landfill areas that are excluded from landfill gas estimation or landfill gas collection and control.
- d. Records of enclosed flare operating temperature and landfill gas flow rate required in Condition 3.

(9VAC5-80-110 and Condition 4 of 8/22/2016 Permit Document)

MACT AAAA - National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills (EU-1)

Designated Facility

- 5. **MACT AAAA - (EU-1)** – The permittee is an area source landfill that has a design capacity equal to or greater than 2.5 million megagrams (Mg) and 2.5 million cubic meters (m³) and has estimated uncontrolled emissions equal to or greater than 50 megagrams per year (Mg/yr) NMOC as calculated according to § 63.1959.
(9VAC5-80-110, 9VAC5-40-5925, and 40CFR63.1935)

Standards

- 6. **MACT AAAA – Standards - (EU-1)** - The collection and control system must capture the gas generated within the landfill as required in 40CFR63.1959(b)(2)(ii)(B) and route all the collected gas to a control system that complies with the requirements in 40CFR63.1959(b)(2)(iii)(B).
(9VAC5-80-110, 9VAC5-40-5935A, and 40CFR63.1959)
- 7. **MACT AAAA – Standards - (EU-1)** -The collection and control system may be capped, removed, or decommissioned if the criteria in 40CFR60.33f(f) are met. The NMOC emission rate must be calculated in accordance with 40CFR63.1959(c) for purposes of determining when the system can be capped, removed, or decommissioned.
(9VAC5-80-110, 9VAC5-40-5935D, and 40CFR63.1950)
- 8. **MACT AAAA – Standards - (EU-1)** - At all times the permittee must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions as required in 40CFR63.1955(c).
(9VAC5-80-110 and 40CFR63.1955)
- 9. **MACT AAAA – Standards - (EU-1)** - The collection and control system must install a sampling port and a thermometer, other temperature measuring device, or an access port for temperature measurements at each wellhead and:

- a. Be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control system equipment. The maximum expected gas flow rate shall be calculated in accordance with 40CFR63.1960(a)(1).
- b. Collect the gas from each area, cell, or group of cells in the MSW landfill in which solid waste has been in place for:
 - i. 5 years or more if active; or
 - ii. 2 years or more if closed or at final grade;
- c. Sufficient density of the gas collectors shall be demonstrated by designing the system accordance with 40CFR63.1960(a)(2). Each well or design component as shall be placed specified in the approved design plan as provided in 40CFR63.1981(d). Each well must be installed no later than 60 days after the applicable date in Condition 9.b.
- d. Operate the collection system with negative pressure at each wellhead except as provided in 40CFR63.1958(b)(1) and (3). The gauge pressure shall be monitored monthly and corrective actions taken in accordance with 40CFR63.1960(a)(3)(i) and 63.1961(a)(1).
- e. Operate each interior wellhead in the collection system with a landfill gas temperature less than 62.8 degrees Celsius (145 degrees Fahrenheit) except as provided in 40CFR63.1958(c).
 - i. Each well shall be monitored for temperature and corrective actions shall be taken in accordance with 40CFR63.1960(a)(4) and 40CFR63.1961(a)(3)-(6).
 - ii. If a landfill gas temperature measured at either the wellhead or at any point in the well is greater than or equal to 76.7 degrees Celsius (170 degrees Fahrenheit) and the carbon monoxide concentration measured, according to the procedures in 40CFR63.1961(a)(5)(vi) is greater than or equal to 1,000 ppmv, the corrective action(s) for the wellhead temperature standard (62.8 degrees Celsius or 145 degrees Fahrenheit) must be completed within 15 days.
 - iii. The 24-hour high temperature report shall be submitted in accordance with 40CFR63.1981(k).
- f. Nitrogen and/or oxygen content shall be monitored monthly in accordance with 40CFR63.1961(a)(2).
- g. Operate the collection system so that the methane concentration is less than 500 parts per million above background in accordance with 40CFR63.1958(d). Surface concentrations of methane shall be monitored on a quarterly basis and corrective actions taken in accordance with 40CFR63.1960(c) to demonstrate compliance with the surface methane operational standard in 40CFR63.1958(d). Instrumentation must meet the requirements of 40CFR63.1960(d).

- h. Operate the system such that all collected gases are vented to a control system designed and operated in accordance with 40CFR63.1959(b)(2)(iii)(B). If the treated landfill gas cannot be routed for subsequent sale or beneficial use, then the treated landfill gas must be controlled by a control system designed and operated in compliance with 40CFR63.1959(b)(2)(iii)(B). Performance tests shall be conducted for new or replacement flares in accordance with 40CFR63.7 and 40CFR63.1959(e) and (f).
- i. Operate the collection and control system in accordance with 40CFR63.1958(e) and (f) at all times.

The monitoring requirements of this condition apply at all times except as provided in 40CFR63.1961(h). If monitoring demonstrates that the operational requirements in Conditions 9.d, 9.e, or 9.g are not met, corrective action must be taken as specified in 40CFR63.1960(a)(3) and (5) or (c). If corrective actions are taken as specified in 40CFR63.1960, the monitored exceedance is not a violation of the operational requirements in this Condition.

(9VAC5-80-110, 9VAC5-40-5955, 9VAC5-40-5960, 9VAC5-40-5965, 40CFR63.1958, 40CFR63.1959, 40CFR63.1960(a)-(d), and 40CFR63.1961(a), (f), and (h))

- 10. **MACT AAAA – Standards - (EU-1)** - In order to comply with the requirements of 40CFR63.1959(b)(2)(iii)(B), the equipment in 40CFR63.1961(b) must installed, calibrated, maintained, and operated according to the manufacturer's specifications and 40CFR63.1961(b).
(9VAC5-80-110, 9VAC5-40-5965, and 40CFR63.1961(b))
- 11. **MACT AAAA – Standards - (EU-1)** - The provisions of this permit implementing 40CFR63 Subpart AAAA apply at all times, including periods of startup, shutdown, or malfunction. During periods of startup, shutdown, and malfunction, the source must comply with the work practice specified in 40CFR63.1958(e)(1) in lieu of the compliance provisions in 40CFR63.1960.
(9VAC5-80-110, 9VAC5-40-5960, and 40CFR63.1960(e))

General and Continuing Compliance Requirements

- 12. **MACT AAAA - Compliance Requirements - (EU-1)** – The permittee shall demonstrate compliance using performance testing, collection system monitoring, continuous parameter monitoring, and other credible evidence. Continuous parameter monitoring data collected under 40CFR63.1961(b)(1), (c)(1), and (d) are used to demonstrate compliance with the operating standards for control systems. If a deviation occurs, the permittee has failed to meet the control device operating standards described in this subpart and have deviated from the requirements of this subpart.
(9VAC5-80-110, 9VAC5-40-5955, and 40CFR63.1964)

13. **MACT AAAA – Compliance Requirements - (EU-1)** – The permittee shall calculate the 3-hour average combustion temperature according to 40CFR63.1983(c)(1)(i) for enclosed combustors except for data during the event listed in 63.1975. (9VAC5-80-110, 9VAC5-40-5970, and 40CFR63.1975)

Notifications, Records, and Reports

14. **MACT AAAA – (EU-1) – Records** - The permittee shall maintain up-to-date records for at least 5 years and shall be readily accessible. Records shall also be kept as specified in the general provisions of Table 1 of 40 CFR part 63. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable. Alternative records shall be kept for this timeline as provided in 40CFR63.1981(d)(2).
- a. The design capacity report that triggered 40CFR63.1959(b), the current amount of solid waste in-place, and the year-by-year waste acceptance rate.
 - b. The following records shall be kept for the life of the control system equipment as measured during the initial performance test or compliance determination. Records of subsequent tests or monitoring must be maintained for a minimum of 5 years. Records of the control device vendor specifications must be maintained until removal.
 - i. Maximum expected gas generation flow rate as calculated in 40CFR63.1960(a)(1).
 - ii. Density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the procedures specified in 40CFR63.1962(a).
 - iii. The average temperature measured at least every 15 minutes and averaged over the same time-period of the performance test.
 - iv. The percent reduction of NMOC determined as specified in 40CFR63.1959(b)(2)(iii).
 - v. Description of the operation of the control device, the operating parameters that would indicate proper performance, and appropriate monitoring procedures specified under §63.1961(d).
 - c. Records of the equipment operating parameters specified to be monitored in 40CFR63.1961.
 - d. Records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded.
 - e. Continuous records of the indication of flow to the treatment system and control system and the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines, specified under 40CFR63.1961.
 - f. Records of periods when the collection system or control device is not operating.

- g. Records of the date, time, and duration of each startup and/or shutdown period, recording the periods when the affected source was subject to the standard applicable to startup and shutdown. In the event that an affected unit fails to meet an applicable standard, the applicable records of the information in 40CFR63.1983(c)(7)(i)-(iii) shall be maintained.
- h. Records of the written procedures required by 40CFR63.8(d)(2), in lieu of the requirements specified in 40CFR63.8(d)(3), for the life of the affected source or until the affected source is no longer subject to the provisions of this part. If the performance evaluation plan is revised, previous (i.e., superseded) versions of the performance evaluation plan shall be maintained for a period of 5 years after each revision to the plan. The program of corrective action must be included in the plan required under 40CFR63.8(d)(2).
- i. Plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector kept for the life of the collection system.
- j. Records of the installation date and location of all newly installed collectors as specified under 40CFR63.1960(b).
- k. Documentation of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste excluded from collection as provided in 40CFR63.1962(a)(3)(i) as well as any nonproductive areas excluded from collection as provided in 40CFR63.1962(a)(3)(ii).
- l. All collection and control system exceedances of the operational standards in 40CFR63.1958, the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance.
- m. Records of wellhead temperature, nitrogen content, and oxygen content monitoring required in 40CFR63.1983(e)(2).
- n. Records of each root cause analysis conducted for which corrective actions are required in 40CFR63.1960(a)(3)(i)(A) or (a)(4)(i)(A), including a description of the recommended corrective action(s) taken, and the date(s) the corrective action(s) were completed.
- o. Records of each root cause analysis conducted for which corrective actions are required in 40CFR63.1960(a)(3)(i)(B) or (a)(4)(i)(B), the corrective action analysis, the date for corrective action(s) already completed following the positive pressure reading or high temperature reading, and, for action(s) not already completed, a schedule for implementation, including proposed commencement and completion dates.

- p. Record of the root cause analysis conducted for which corrective actions are required in 40CFR63.1960(a)(3)(i)(C) or (a)(4)(i)(C), the corrective action analysis, the date for corrective action(s) already completed following the positive pressure reading or high temperature reading, for action(s) not already completed, a schedule for implementation, including proposed commencement and completion dates, and a copy of any comments or final approval on the corrective action analysis or schedule from the Blue Ridge Regional Office.
- q. Records of all collection and control system monitoring data for parameters measured in 40CFR63.1961(a)(1) through (6).
- r. Records of landfill gas temperature on a monthly basis as monitored according to 40CFR63.1960(a)(4).
- s. Records of enhanced monitoring data at each well with a measurement of landfill gas temperature greater than 62.8 degrees C (145°F) as gathered in 40CFR63.1961(a)(5) and (6).
- t. Records of any engineering calculations or company records used to estimate the quantities of leachate or liquids added, the surface areas for which the leachate or liquids were applied, and the estimates of annual waste acceptance or total waste in place in the areas where leachate or liquids were applied.

(9VAC5-80-110, 9VAC5-40-5970 and 40CFR63.1983)

15. **MACT AAAA – Reports - (EU-1)** - The following reports shall be submitted:

- a. When a fire or increased well temperature occurs in accordance with 40CFR63.1958 (b)(1).
- b. Revisions to the approved design plan under 40CFR63.1981(d) shall be submitted for approval in accordance with 40CFR63.1981(e)(1) and (2).
- c. A closure report must be submitted within 30 days of the permanent cessation of waste acceptance. If a closure report has been submitted, no additional wastes may be placed into the landfill without filing a notification of modification as described under 40CFR63.9(b).
- d. An equipment removal report must be submitted within 30 days prior to removal or cessation of operation of the control equipment. The report shall include all information required in 40CFR63.1981(g) and any additional information requested under 40CFR63.1981(g)(2).
- e. Semi-annual reports shall be submitted that contain the information required in 40CFR63.1981(h) and 40CFR63.1983(c)(1).

- f. Performance test reports shall include all information required in 40CFR63.1981(i).
- g. Corrective action reports shall be submitted and shall comply with 40CFR63.1981(j).
- h. When the landfill gas temperature measured at either the wellhead or at any point in the well is greater than or equal to 76.7 degrees Celsius (170 degrees Fahrenheit) and the carbon monoxide concentration measured is greater than or equal to 1,000 ppmv, a 24-hour high temperature report shall be submitted in accordance with 40CFR63.1981(k).

Each report shall be submitted to the Blue Ridge Regional Office. Reports shall be submitted in accordance with 40CFR63.1981(l) except as provided in 40CFR63.1981(m) and (n). A copy of each report shall be submitted also to EPA Region 3 (R3_APD_Permits@epa.gov), except for reports submitted electronically in accordance with 40CFR63.1981(l).
(9VAC5-80-110, 9VAC5-40-5970, and 40CFR63.1981)

Testing

- 16. **MACT AAAA – Testing - (EU-1)** - The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department or EPA, test ports shall be provided at the appropriate locations.
(9VAC5-80-110, 9VAC5-40-5965, 40CFR60.8(e), and 40CFR63.7(d))

Insignificant Emission Units

- 17. **Insignificant Emission Units** - The following emission units at the facility are identified in the application as insignificant emission units under 9VAC5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant Emitted (9VAC5-80-720B)	Rated Capacity (9VAC5-80-720C)
EU-2	Leachate Storage Tank No.1	9VAC5-80-720B	VOC	-
EU-3	Leachate Storage Tank No.2	9VAC5-80-720B	VOC	-
EU-5	(1) Radiant Heater	9VAC5-80-720A.6	-	-
EU-6a	Waste Oil Storage Tank	9VAC5-80-720B	VOC	
EU-6c	Diesel Fuel Storage Tank 9	9VAC5-80-720A.41	-	-

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9VAC5-80-110.
(9VAC5-80-110)

Permit Shield & Inapplicable Requirements

18. **Permit Shield & Inapplicable Requirements** - Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
N/A	-	-

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by (i) the administrator pursuant to §114 of the federal Clean Air Act, (ii) the DEQ pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9VAC5-80-110 and 9VAC5-80-140)

General Conditions

19. **General Conditions - Federal Enforceability** - All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9VAC5-80-110)
20. **General Conditions - Permit Expiration**
- This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9VAC5-80-80, the right of the facility to operate shall be terminated upon permit expiration.
 - The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
 - If an applicant submits a timely and complete application for an initial permit or renewal under 9VAC5-80-80 F, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9VAC5 Chapter 80, until the DEQ takes final action on the application under 9VAC5-80-150.

- d. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9VAC5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9VAC5 Chapter 80.
- e. If an applicant submits a timely and complete application under section 9VAC5-80-80 for a permit renewal but the DEQ fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9VAC5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
- f. The protection under subsections F 1 and F 5 (ii) of section 9VAC5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9VAC5-80-80 D, the applicant fails to submit by the deadline specified in writing by the DEQ any additional information identified as being needed to process the application.

(9VAC5-80-80, 9VAC5-80-110, and 9VAC5-80-170)

21. **General Conditions - Recordkeeping and Reporting** - All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

- a. The date, place as defined in the permit, and time of sampling or measurements;
- b. The date(s) analyses were performed;
- c. The company or entity that performed the analyses;
- d. The analytical techniques or methods used;
- e. The results of such analyses; and
- f. The operating conditions existing at the time of sampling or measurement.

(9VAC5-80-110)

22. **General Conditions - Recordkeeping and Reporting** - Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9VAC5-80-110)

23. **General Conditions - Recordkeeping and Reporting** - The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9VAC5-80-80 G, and shall include:
- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31; and
 - b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
 - i. Exceedances of emissions limitations or operational restrictions;
 - ii. Excursions from control device operating parameter requirements, as documented by continuous emission monitoring or periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
 - iii. Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
 - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semiannual reporting period."

(9VAC5-80-110)

24. **General Conditions - Annual Compliance Certification** - Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices for the period ending December 31. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. The permittee shall maintain a copy of the certification for five (5) years after submittal of the certification. This certification shall be signed by a responsible official, consistent with 9VAC5-80-80 G, and shall include:
- a. The time period included in the certification. The time period to be addressed is January 1 to December 31;
 - b. The identification of each term or condition of the permit that is the basis of the certification;

- c. The compliance status;
- d. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance;
- e. Consistent with subsection 9VAC5-80-110, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period;
- f. Such other facts as the permit may require to determine the compliance status of the source; and
- g. One copy of the annual compliance certification shall be submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address:

R3_APD_Permits@epa.gov

(9VAC5-80-110)

- 25. **General Conditions - Permit Deviation Reporting** - The permittee shall notify the Blue Ridge Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semiannual compliance monitoring report pursuant to Condition 23 of this permit. (9VAC5-80-110 F. 2)
- 26. **General Conditions - Failure/Malfunction Reporting** - In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall no later than four daytime business hours after the malfunction is discovered, notify the Blue Ridge Regional Office such failure or malfunction and within 14 days provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Blue Ridge Regional Office. (9VAC5-80-110, 9VAC5-20-180, and Condition 10 of 8/22/2016 Permit Document)
- 27. **General Conditions – Records of Malfunction** - In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall no later than four daytime business hours after the malfunction is discovered, notify the Blue Ridge Regional Office such failure or malfunction and within 14 days provide a written statement giving all

pertinent facts, including the estimated duration of the breakdown. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Blue Ridge Regional Office.
(9VAC5-80-110 and Condition 11 of 8/22/2016 Permit Document)

28. **General Conditions - Severability** - The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9VAC5-80-110)
29. **General Conditions - Duty to Comply** - The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9VAC5-80-110)
30. **General Conditions - Need to Halt or Reduce Activity not a Defense** - It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9VAC5-80-110)
31. **General Conditions - Permit Modification** - A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9VAC5-80-50, 9VAC5-80-1100, 9VAC5-80-1605, or 9VAC5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9VAC80-110, 9VAC5-80-190, and 9VAC5-80-260)
32. **General Conditions - Property Rights** - The permit does not convey any property rights of any sort, or any exclusive privilege.
(9VAC5-80-110)
33. **General Conditions - Duty to Submit Information** - The permittee shall furnish to the DEQ, within a reasonable time, any information that the DEQ may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the DEQ copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the DEQ along with a claim of confidentiality.
(9VAC5-80-110)

34. **General Conditions - Duty to Submit Information** - Any document (including reports) required in a permit condition to be submitted to the DEQ shall contain a certification by a responsible official that meets the requirements of 9VAC5-80-80 G.
(9VAC5-80-110)
35. **General Conditions - Duty to Pay Permit Fees** - The owner of any source for which a permit was issued under 9VAC5-80-50 through 9VAC5-80-300 shall pay annual emissions fees, as applicable, consistent with the requirements of 9VAC5-80-310 through 9VAC5-80-350 and annual maintenance fees, as applicable, consistent with the requirements of 9VAC5-80-2310 through 9VAC5-80-2350.
(9VAC5-80-110, 9VAC5-80-310 et seq., and 9VAC5-80-2310 et seq.)
36. **General Conditions - Fugitive Dust Emission Standards** - During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:
- a. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
 - b. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
 - c. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
 - d. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
 - e. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.
- (9VAC5-80-110 and 9VAC5-50-90)
37. **General Conditions - Startup, Shutdown, and Malfunction** - At all times, including periods of startup, shutdown, and soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are

being used will be based on information available to the DEQ, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9VAC5-80-110, 9VAC5-50-20 E, and Condition 9 of 8/22/2016 Permit Document)

38. **General Conditions - Alternative Operating Scenarios** - Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9VAC5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9VAC5 Chapter 80, Article 1.
(9VAC5-80-110)
39. **General Conditions - Inspection and Entry Requirements** - The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:
- a. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
 - b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
 - d. Sample or monitor at reasonable times' substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9VAC5-80-110 and Condition 8 of the 8/22/2016 Permit Document)

40. **General Conditions - Reopening for Cause** - The permit shall be reopened by the DEQ if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9VAC5-80-80 F. The conditions for reopening a permit are as follows:
- a. The permit shall be reopened if the DEQ or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

- b. The permit shall be reopened if the administrator or the DEQ determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
- c. The permit shall not be reopened by the DEQ if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9VAC5-80-110 D.

(9VAC5-80-110)

41. **General Conditions - Permit Availability** - Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9VAC5-80-110 and 9VAC5-80-150)

42. **General Conditions - Transfer of Permits**

- a. No person shall transfer a permit from one location to another, unless authorized under 9VAC5-80-130, or from one piece of equipment to another.
- b. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the DEQ of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9VAC5-80-200.
- c. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the DEQ of the change in source name within 30 days of the name change and shall comply with the requirements of 9VAC5-80-200.

(9VAC5-80-110, 9VAC5-80-160, and Condition 13 of 8/22/2016 Permit Document)

43. **General Conditions - Permit Revocation or Termination for Cause** - A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9VAC5 Chapter 80 Article 1. The DEQ may suspend, under such conditions and for such period of time as the DEQ may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.
(9VAC5-80-110, 9VAC5-80-190 C, 9VAC5-80-260, and Condition 7 of 8/22/2016 Permit Document)

44. **General Conditions - Duty to Supplement or Correct Application** - Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9VAC5-80-110 and 9VAC5-80-80 E)
45. **General Conditions - Stratospheric Ozone Protection** - If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(9VAC5-80-110 and 40 CFR Part 82)
46. **General Conditions - Asbestos Requirements** - The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).
(9VAC5-60-70 and 9VAC5-80-110)
47. **General Conditions - Accidental Release Prevention** - If the permittee has more or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(9VAC5-80-110 and 40 CFR Part 68)
48. **General Conditions - Changes to Permits for Emissions Trading** - No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9VAC5-80-110)
49. **General Conditions - Emissions Trading** - Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:
- a. All terms and conditions required under 9VAC5-80-110, except subsection N, shall be included to determine compliance.
 - b. The permit shield described in 9VAC5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
 - c. The owner shall meet all applicable requirements including the requirements of 9VAC5-80-50 through 9VAC5-80-300.
- (9VAC5-80-110)

50. **General Conditions - Permit Copy** - The permittee shall keep a copy of the August 22, 2016 permit on the premises of the facility to which it applies.
(9VAC5-80-110 and Condition 14 of 8/22/2016 Permit Document)